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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Malvern U. Griffin III SUTHERLAND ASBILL & BRENNAN LLP 999 Peachtree Street, NE Atlanta, GA 30309-3996				
EXAMINER				
PHAM, THIERRY L				
ART UNIT		PAPER NUMBER		
2625				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/629,347

**Applicant(s)**

CICCARELLI, VICTOR

**Examiner**

THIERRY L. PHAM

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

- This action is responsive to the following communication: RCE filed on 6/5/2008.
- Claims 1-2, 4-20 are currently pending, wherein claims 19-20 are newly added; claim 3 has been canceled.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/5/2008 has been entered.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 6/5/08 was filed after the mailing date of the final rejection on 12/11/07. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solberg et al (US 6134338) in view of Rappaport et al (US 20020077787).

Regarding claim 1, Solberg discloses a method for providing actual scale information (actual scale image information, abstract, fig. 1a, col. 6, lines 15-67) of a digital image, comprising:

- digitizing (digitizing a source document, fig. 1a & fig. 4) a paper document (source document 190, fig. 1a) using a digitizing device (scanner 102, fig. 1a & fig. 4) to create a digital image (digital image, fig. 1a) & fig. 4;
- recording scale information (recording original scale information of physical document, fig. 4-6, col. 6, lines 15-67) associated with the paper document and the digitizing device;
- associating (fig. 4 & 6) the digital image and the scale information;
- storing (storing raster file, fig. 2 & fig. 4) the digital image and the associated scale information (stored image file contains original dimension and scale information, fig. 4 & fig. 6, abstract and col. 6, lines 15-67); and
- providing a digital image viewer (digital viewer, fig. 3) for, rendering the digital image, receiving drawing input (user's input via keyboard 132, fig. 4 & fig. 6) from a user comprising a line or a shape (lines and shapes, fig. 8), calculating a true scale measurement (calculating and/or correlating true scaling information of physical dimensions, fig. 4-8, col. 6, lines 15-67) of the drawn line or shape based at least in part on the scale information, and presenting the true scale measurement to the user via the viewer (presenting to user via digital viewer as shown in fig. 4-8).

Solberg fails to teach and/or suggest embedding the scale information in a header of the digital raster image, and storing the digital raster image and embedded scale information as a single file.

Rappaport, in the same field of endeavor for measurement/scale information, teaches a well-known example of embedding the scale information in a header (embedding scale information in the header, fig. 3, pars. 97 & 107) of the digital raster image (raster image such as TIFF, par. 92), and storing (storing, fig. 8) the digital raster image and embedded scale information as a single file (fig. 5, par. 85).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify methods of Solberg to include a method for embedding the scale information in a header of the digital raster image, and storing the digital raster image and

embedded scale information as a single file as taught by Rappaport because of a following reason: (●) to allow users to instantaneously interpret the measurement value (scale information) and allows one to understand or recall with ease the measurement type, measurement location, and etc (par. 70 of Rappaport).

Therefore, it would have been obvious to combine Solberg with Rappaport to obtain the invention as specified in claim 1.

Regarding claim 2, Solberg further discloses the method of claim 1, wherein the scale information includes an original scale (col. 10, lines 40-50) of the paper document, a dots per inch (DPI) of the digitizing device (resolution, col. 17, lines 40-67), and an original size (col. 10, lines 40-50) of the paper drawing.

Regarding claim 4, Solberg further discloses the method of claim 1, wherein the digital raster image is a TIFF image (col. 19, lines 45-67). Also see TIFF as taught by Rappaport, par. 92.

Regarding claim 5, Rappaport further discloses the method of claim 4, wherein embedding the scale information in a header of the digital raster image comprises embedding the scale information in a header (embedding scale information in the header, fig. 3, pars. 97 & 107) of the TIFF image.

Regarding claims 6-9 recite limitations that are similar and in the same scope of invention as to those in claims 1-2, 4-5 (respectively) above; therefore, claims 6-9 are rejected for the same rejection rationale/basis as described in claims 1-2, 4-5 (respectively).

Regarding claims 10-14 recite limitations that are similar and in the same scope of invention as to those in claims 1-5 above; therefore, claims 10-14 are rejected for the same rejection rationale/basis as described in claims 1-5. See fig. 1A for system configuration.

Regarding claims 15-18 recite limitations that are similar and in the same scope of invention as to those in claims 1-5 above; therefore, claims 15-18 are rejected for the same rejection rationale/basis as described in claims 1-5. See fig. 7 for a sample viewer.

Regarding claim 19, Rappaport further teaches the method of claim 1, wherein the received drawing input is a shape (figs. 10-11), and wherein calculating a true scale measurement of the drawn shape comprises calculating the area (par. 50) of the drawn shape. Solberg also teaches such features, see figs. 5-6. Also, calculating an area is well known in the art.

Regarding claim 20, Rappaport further teaches the method of claim 1, wherein receiving drawing input comprises receiving drawing input (figs. 10-11) in the rendered digital image. Also see figs. 5-6 of Solberg for more drawing inputs.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 6, 10, and 15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIERRY L. PHAM whose telephone number is (571)272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thierry L Pham/  
Art Unit 2625

/Dov Popovici/  
Primary Examiner, Art Unit 2625